

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

COLLEEN RAVESTEIN, individually and as
Administrator for the Estate of Jesus Humberto
Munoz, deceased;

Plaintiff,

vs.

DOUGLAS COUNTY, NEBRASKA,
WELLPATH, LLC, AMBER M. REDMOND,
JOHN MORRISON, WILLIAM SHEARON,
JUSTIN TEETER, SETH VAN MAANEN,
WILLIAM YOUNG, SHANE PETERSON,
DENNIS MCFARLAND, ANTHONY
ROBERTS, NICHOLAS SCHROEDER,
ANDREW WORTHING, ARTURO
COMACHO, DEONDRE N. HOOK, DAVID
L. BARNES, TRISHA PORTREY, LPN;
LORI LIMBACH, LPN; OFFICIAL DOES 1-
10, in their individual and official capacities;
STAFF DOES 1-50, in their individual and
official capacities; NURSE DOES 1-10, in
their individual and official capacities;
DOCTOR DOES 1-10, in their individual and
official capacities; and MICHAEL MYERS,

Defendants.

8:21CV442

ORDER TO SHOW CAUSE

[Federal Rule of Civil Procedure 4\(m\)](#) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” [Fed. R. Civ. P. 4\(m\)](#).

Plaintiff filed the Complaint on November 19, 2021. ([Filing No. 1](#)). More than 90 days has elapsed since the Complaint was filed.¹ To date, Plaintiff has not filed any return of service or signed waiver indicating service on the following defendants named in the Complaint: John Morrison, Justin Teeter, Dennis McFarland, and Andrew Worthing. These defendants have not

¹ Plaintiff’s Amended Complaint ([Filing No. 17](#)) filed on December 13, 2021, did not reset the 90-day service clock as to defendants named in the original complaint. See *Lee v. Airgas Mid-S., Inc.*, 793 F.3d 894, 898 (8th Cir. 2015) (filing an amended complaint does not reset the 90-day clock under Fed. R. Civ. P. 4(m) for defendants named in the original complaint).

entered a voluntary appearance or otherwise appeared, and Plaintiff has not requested an extension of time to complete service. Accordingly,

IT IS ORDERED that Plaintiff shall have until **March 11, 2022**, to show cause why defendants, John Morrison, Justin Teeter, Dennis McFarland, and Andrew Worthing, should not be dismissed pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or for want of prosecution. The failure to timely comply with this order may result in dismissal of those defendants without further notice.

Dated this 24th day of February, 2022.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge